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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION NO.669 OF 2021**

Dhondibhau Kisan Sangade ] .. Petitioner

vs.

The Municipal Corporation of ]  
Greater Bombay & Ors. ] .. Respondents

Mr.Pratik Rahade, for Petitioner.

Mr.Abhijeet Kandarkar a/w Ms.Rupali Adhate for MCGM.

Mrs.Jayashree Kulkarni, Administrative Officer (Transport Dept.),  
MCGM, present.

Mrs.Jyoti Bhagat, Administrative Officer, (Pension Dept.) MCGM,  
present.

**CORAM : PRASANNA B. VARALE &  
N.R.BORKAR, JJ.**

**DATE : 21ST SEPTEMBER, 2021**

**P.C.**

1] Heard learned counsel for parties.

2] Learned counsel for the Petitioner submits that the Petitioner who was working as a driver with Respondent No.1-Municipal Corporation of Greater Mumbai, stood retired on 01.06.2017. In spite of repeated requests and representations, the pension and gratuity due and payable to the Petitioner was not paid.

3] Learned counsel for the Petitioner invited our attention to the representation submitted to the Authorities placed on record at Exhibit E dated 06.10.2018. In reply to the grievance raised in the Petition, it is submitted on behalf of respondents that the pension is released and the amount of gratuity was not paid due to proceedings which were initiated in Civil Court at Akole, District-Ahmednagar. A communication to that effect was addressed to the Petitioner. A copy of the same is placed on record.

4] As we were not convinced with the reason assigned for non release of the amount of gratuity, we directed the learned counsel for the respondents to seek instructions from the Corporation and pursuant to it, he submits that Corporation is ready to release the amount of gratuity and leave encashment as early as possible.

5] Learned counsel for the Petitioner submits that the amount of gratuity be released alongwith interest.

6] Considering the facts and circumstances, we deem it appropriate to dispose of the Petition in following terms :

i] The Respondent-Corporation is directed to release the amount of gratuity and encashment of leave to the Petitioner as expeditiously as possible, but in any case, not later than 12 weeks from today.

ii] The Petitioner is permitted to file representation to the Respondent-Corporation for payment of interest. Respondent-

Corporation shall consider that representation in accordance with rules and dispose of the said representation as expeditiously as possible.

7] With these directions Petition stands disposed of.

**[N.R.BORKAR, J]**

**[PRASANNA B. VARALE, J]**